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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7525 OF 2024

Anjalli Patil alias Anjlil Gaurav Sharma .. Petitioner

Versus

Bajaj Allianz Life Insurance Company Ltd. and
Ors. .. Respondents

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- Mr. Vaibhav Kulkarni, Advocate for Petitioner.
 - Mr. Abhishek Chitnis, Advocate for Respondents through VC.
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CORAM : MILIND N. JADHAV, J.

DATE : JUNE 10, 2024.

P.C.:

1. Heard Mr. Kulkarni, learned Advocate for Petitioner and Mr. Chitnis, learned Advocate for Respondents through VC.
2. Perused the impugned order dated 12.02.2024 passed by the learned Trial Court in an Application filed under Order VII Rule 11 of the Code of Civil Procedure, 1908, *inter alia*, rejecting the Application of the Plaintiff and directing the Plaintiff to pay *ad valorem* Court fee in respect of the claim under the Suit proceedings.
3. It is seen that admittedly the Plaintiff is the wife of an Indian Soldier i.e. Army Officer and she sought exemption from payment of Court fee under the extant notification issued by the Government of India. There is no dispute about these notifications, save and except

the fact that the Defendant has taken objection to the effect that since the Plaintiff was a working woman and she has her own source of income is not wholly dependent on her husband.

4. Suit proceedings emanates, rather cause of action emanates only after the Plaintiff has been terminated by the Defendant - Company. Post her termination, she has filed the present Suit proceedings and therefore the analogy of whether she has to be construed as not wholly dependent on her husband is the question before me. Therefore paragraph Nos.18 to 20 of the judgment of the learned Trial Court cannot be countenanced.

5. Mr. Chitnis, learned Advocate for the contesting Respondent i.e. Defendant – Company through VC would inform that he is on caveat and he is yet to file his Vakalatnama. He undertakes to file his Affidavit-in-Reply within a period of one week from today. He is permitted to do so within one week. Copy be given to Petitioner.

6. It is clarified that, this Writ Petition shall be disposed of on the next adjourned date after hearing the Advocate for Defendant at the stage of admission since the Writ Petition has been fully heard by this Court in so far as the Plaintiff is concerned.

7. Stand over to **20th June, 2024 at 02:30 p.m.**

[MILIND N. JADHAV, J.]